

**ORDINANCE NO. 2022-04-cm**  
**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE**  
**COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE**  
**FROM AA TO A**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA:**

**Section 1:** The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance and not part of a unified county code is hereby amended to rezone the following described real estate situated in Lauramie Township, Tippecanoe County, Indiana

(SEE ATTACHED LEAGAL DESCRIPTION, EXHIBIT A)

**Section 2:** The above-described real estate should be and the same is hereby rezoned from AA to A.

**Section 3:** This ordinance shall be in full force and effect from and after its adoption.

(Adopted And Passed) (Denied) by the Board Of Commissioners of Tippecanoe County, Indiana, this 2nd day of May, 2022.

VOTE:

No

David Byers  
 David Byers, President

No

Tracy Brown  
 Tracy Brown, Vice President

No

Thomas Murtaugh  
 Thomas Murtaugh, Member

ATTEST:

Robert Plantenga  
 Robert Plantenga, Auditor

**EXHIBIT A - LEGAL DESCRIPTION**

**TRACT 1**

Part of the real estate conveyed to Dacia & Jerry LLC in Deed Book 74, Page 1856 and being part of the Southwest Quarter of Section 25, Township 21 North, Range 4 West, Lauramie Township, Tippecanoe County, Indiana, more particularly described as follows: Beginning at the Southwest corner of the Southwest Quarter of Section 25 marked by a Berntsen monument; thence North  $00^{\circ}10'42''$  East, along the West line of the Southwest Quarter and approximate centerline of County Road 400 East, a distance of 1205.78 feet to a mag nail w/washer stamped "RWG 880043"; thence North  $89^{\circ}21'01''$  East, a distance of 729.80 feet to a 5/8 inch diameter rebar with a plastic cap stamped "RWG 880043"; thence South  $00^{\circ}10'42''$  West, parallel with the West line of the Southwest Quarter, a distance of 1217.79 feet to the South line of the Southwest Quarter marked by a railroad spike; thence North  $89^{\circ}42'27''$  West, along the South line of the Southwest Quarter, a distance of 729.73 feet to the point of beginning, containing 20.300 acres, more or less.

Bearings in the above description are assumed. West line of the Southwest Quarter being North  $00^{\circ}10'42''$  East.

**TRACT 2**

Part of the real estate conveyed to Dacia & Jerry LLC in Deed Book 74, Page 1856 and being part of the Southwest Quarter of Section 25, Township 21 North, Range 4 West, Lauramie Township, Tippecanoe County, Indiana, more particularly described as follows: Commencing at the Southwest corner of the Southwest Quarter of Section 25 marked by a Berntsen monument; thence North  $00^{\circ}10'42''$  East, along the West line of the Southwest Quarter and approximate centerline of County Road 400 East, a distance of 1205.78 feet to a mag nail w/washer stamped "RWG 880043" and being the Point of Beginning of this description; thence continuing North  $00^{\circ}10'42''$  East, along the West line of the Southwest Quarter, a distance of 505.00 feet to a mag nail w/washer stamped "RWG 880043"; thence North  $89^{\circ}21'01''$  East, a distance of 431.29 feet to a 5/8 inch diameter rebar with a plastic cap stamped "RWG 880043" and hereafter referred to as a standard monument; thence South  $00^{\circ}10'42''$  West, parallel with the West line of the Southwest Quarter, a distance of 505.00 feet to a standard monument; thence South  $89^{\circ}21'01''$  West, a distance of 431.29 feet to the point of beginning, containing 5.000 acres, more or less.

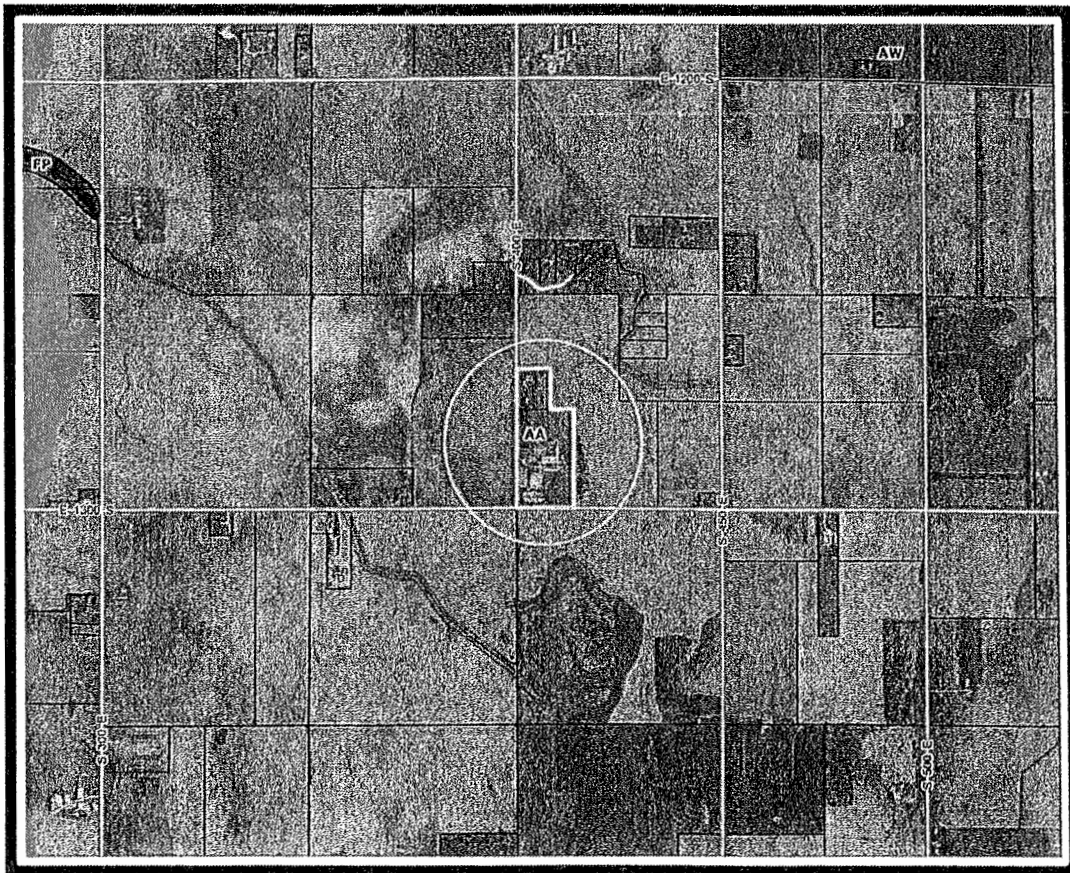
Bearings in the above description are assumed. West line of the Southwest Quarter being North  $00^{\circ}10'42''$  East.

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Z-2846  
BENITO MUNOZ  
(AA to A)

STAFF REPORT  
February 10, 2022

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**Z-2846**  
**BENITO MUNOZ**  
**AA to A**

**Staff Report**  
**January 13, 2022**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner, who is also the property owner, is seeking a rezone of 25.3 acres in order to be able to apply for a special exception to make a rodeo/concert venue conforming, located at the northeast corner of CR 1300 S and CR 400 E in Lauramie 25 (SW) 21-4.

**ZONING HISTORY AND AREA ZONING PATTERNS:**

This property is currently zoned AA, (Select Agricultural). It was rezoned to AA in 1988 when the County Commissioners sponsored a township-wide rezone of Lauramie Township (Z-1341). This rezone identified the location of prime farm land and designated it AA. Surrounding properties are also zoned AA.

**AREA LAND USE PATTERNS:**

The 25.3-acre site in question consists of two tracts: the single-family home of the petitioner is on a five-acre parcel and the second, larger tract houses the horse farm previously known as Foxton Farms. The horse farm has been used as riding stables from the 1970s up until the 2010s. The farm had several owners before the farm was purchased by Mr. Munoz in January 2021. Boarding and/or training of horses is permitted in all Rural Zones. Foxton Farms was more intense than just boarding and training and would have been considered a riding club. This former use was likely considered legally nonconforming and would have required a special exception under the current 1998 zoning ordinance to bring it into conformity.

This area of the county primarily consists of row crop production and large lot single-family homes. Adjacent properties on all sides consist of farm fields. To the north, just over 1000' away, is a heavily wooded 9-lot development of single-family homes.

**TRAFFIC AND TRANSPORTATION:**

This site is located on the northeast corner of the intersection CR 1300 South and CR 400 East. Both roads are classified as rural local roads according to the adopted *Thoroughfare Plan*. There are currently separate driveways off CR 400 East for both the horse farm and the home.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

This site is served by well and septic. The County Health department has a record that shows the home got an upgraded septic in 2016, but they have no record of a septic for the riding stable buildings. Currently, "port-a-pots" are brought on site during large events.

**STAFF COMMENTS:**

This rezone request is the result of a zoning complaint from neighbors. The petitioner has been hosting large rodeos and concerts on site. After a meeting with the petitioner, staff outlined the steps necessary to receive approval to continue to have rodeos and concerts on site. This request is the first step to bring the use into compliance. Additional steps to permit this use include a special exception if the rezone is approved and likely costly improvements to the farm buildings on site to bring them up to commercial building code standards. A special exception is a request heard by the Area Board of Zoning Appeals at a public hearing to allow a particular use. The proposed business operation is reviewed to see how it would affect the neighboring properties and fit in the area. Staff reviews noise generation, outdoor lighting, hours of operations, and the amount of traffic generated by a proposed or, in this case, existing business. The special exception process also allows the board to apply conditions to the approval.

Staff is only reviewing the requested change of zone in this report. Because the former riding stable was in place prior to the AA zoning and the site has not been used for row crop production in over 50 years, staff can support this request. Petitioner has shared no reason for this rezone other than to work toward permitting rodeos and concerts. However, since the A zone allows several agricultural appropriate uses, staff can support this request.

**STAFF RECOMMENDATION:**

Approval



## Area Plan Commission of Tippecanoe County, Indiana

April 21, 2022  
Ref. No.: 2022-066

Tippecanoe County Commissioners  
20 North 3<sup>rd</sup> Street  
Lafayette, Indiana 47901

### CERTIFICATION

**RE: Z-2846 BENITO MUNOZ (AA to A):**

Petitioner is seeking a rezone of 25.3 acres in anticipation of filing a special exception in the A zone, in order to make conforming a rodeo/concert venue located at the northeast corner of CR 1300 S and CR 400 E in Lauramie 25 (SW) 21-4. CONTINUED FROM THE MARCH APC MEETING BY INCONCLUSIVE VOTE FINAL CONTINUANCE.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on April 20, 2022 the Area Plan Commission of Tippecanoe County voted 7 yes – 8 no, an inconclusive vote, on the motion to rezone the subject real estate from AA to A. Therefore, the Area Plan Commission of Tippecanoe County certifies to the Tippecanoe County Commissioners that the proposed rezoning ordinance has **NO RECOMMENDATION** from the APC for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at its May 02, 2022 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

David Hittle  
Executive Director

DH/jae

Enclosures: Staff Report & Ordinances

cc: Benito Munoz, Petitioner  
Gaye Martin, GL Martin Accounting & Tax Svc.